

**Notice of Allowability****Application No.**

10/705,758

**Applicant(s)**

WILLEN ET AL.

**Examiner**

GERALD C. VIZVARY

**Art Unit**

3684

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/21/2010.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other EIC search results.

/Gerald C Vizvary/  
Examiner, Art Unit 3684

**DETAILED ACTION**

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jason Eisenberg on 7/21/2010.

***Claim Rejections - 35 USC § 112***

2. Claims 15-20, which were rejected under 35 USC § 112 in the Non-final rejection of 6/17/2010 have been amended and the rejection under 35 USC § 112 is hereby withdrawn.

3. The Application has been amended as follows:

In claims 1 (lines 5-6 & 10-11), 2 (lines 1-2), 9 (lines 4-5 & 8-9), 10 (lines 1-2), 15 (lines 7-8 & 12-13) & 16 (lines 1-2) change "weather factor relationship knowledgebase" to "weather factor relationship database"

In claim 1 (line 12) change "data from the weather factor relationship knowledgebase" to "the weather factor relationship data from the weather factor relationship database".

In claim 1 (line 14) change "strength" to "value".

In claims 1 (lines 5-6 & 10-11), 9 (lines 4-5 & 9-10) & 15 (lines 7-8 & 13) change "data from" to "weather factor relationship data from"

In claim 5 (line 2) change "old" to "previously stored"

In claim 5 (lines 4), change "from an outside source" to "from a source external to the system".

In claims 6, 7 and 8 (lines 2), change "processor;" to "processor".

In claim 9 (line 2-3) change "comprising the steps of" to "comprising".

In claim 9 (lines 2, 3 & 6) change "(1) receiving at a processor" to "receiving by a processor", "(2) receiving at the processor" to "receiving by the processor" and "(3) forecasting at the processor" to "forecasting by the processor"

In claim 9 (line 11) and claim 15, (line 15) change "a demand relationship strength" to "a demand relationship value".

In claim 14 (line 1) change "comprising the step of" to "comprising".

In claim 15 (line 3) change "embodied in a computer usable medium" to "stored on a non-transitory storage medium".

***Allowable Subject Matter***

4. Claims 1, 9 & 21 are allowed.
5. The following is an Examiner's statement of reasons for allowance:

The prior art of record, specifically Smith US 2003/004780 A1 & Dogan US 6,018,317 do not disclose or fairly teach:

A system, method & article of manufacture for forecasting weather-based demand, comprising a recombination processor configured to receive weather metrics data, to receive weather factor relationship data from a weather factor relationship database, wherein the weather factor relationship data from the weather factor relationship database is different from the weather metrics data, and configured to produce normalized weather factor metrics data based on the weather metrics data and the weather factor relationship data from the weather factor relationship database, the normalized weather factor metrics data being indicative of a percentage increase or decrease in a demand relationship value in a first time period over a second time period.

That the weather factor relationship database is a weather-impact model comprising at least one of an empirical scoring matrix, a weather indices template, a proxy model conditions template, wherein the weather-impact model is derived from an analysis of normalized proxy sales history data.

That the normalized proxy sales history data are derived from at least one of previously stored sales history data for a product from an entity, sales history data for

the product from a second entity, sales history data for the product from a source external to the system, sales history data for a category that includes the product, and sales history data for a proxy product having a similar weather-based demand relationship as the product.

A volatility scaling processor different from the recombination processor configured to receive the normalized weather factor metric data, to receive volatility scale factor data; and to produce scaled weather factor metric data.

A deaggregation processor, different from the recombination processor, configured to receive said scaled weather factor metric data, configured to receive deaggregation data, configured to produce deaggregated weather factor metric data, configured to receive the normalized weather factor metric data, configured to receive deaggregation data and configured to produce deaggregated weather factor metric data.

6. Claims 2-8, 10-14 & 16-20 are allowed by virtue of their dependency upon claims 1, 9, 15 & 21.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD C. VIZVARY whose telephone number is (571)270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Dixon/  
Primary Examiner, Art Unit 3684

Gerald Vizvary  
Patent Examiner, A.U. 3684  
July 21, 2010